

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 10/710,478

Applicant(s): McDevitt et al.

Filed.: July 14, 2004

Art Unit: Ellias Ullah

Dkt. No.: BUR920040059US1

Examiner: Ellias Ullah

Title: **DUAL DAMASCENE WIRING AND METHOD**

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**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents & Trademarks  
P. O. Box 1450  
Alexandria, VA 22313-1450

In response to the Restriction Requirement mailed on July 11, 2006, Applicant hereby provisionally elects Group II, claims 13-32, drawn to a method of fabricating a dual damascene structure, classified in class 438, subclass 622. This election is made with traverse, and Applicants hereby reserve the right to file a divisional application in connection with unelected claims 1-12, drawn to a dual damascene structure.

Applicants respectfully submit that the subject matter of all claims 1-32 is sufficiently related that a thorough search for the subject matter of any one group of claims would encompass a search for the subject matter of the remaining claims. Thus, Applicants respectfully submit that the search and the examination of the entire application could be made without serious burden. See MPEP § 803, in which it is stated that “if the search and examination of the entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions” (emphasis added).

Applicants respectfully submit that this policy should apply in the present application in order to

avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

The Director is hereby authorized to charge and/or credit Deposit Account 09-0456.

Should the Examiner require or request anything further from Applicant's prior to examination, the Examiner is requested to contact Applicants' undersigned representative at the Agent Direct Dial telephone number below. Otherwise, Applicants request early and favorable examination on the merits

Respectfully submitted,  
FOR:

Dated: 07/26/2006

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